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September 16, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Jerry Lewis
U.S. House of Representatives
2312 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Lewis:

Thank you for your letter regarding the Commission's Billed Party Preference (BPP) proceeding. I appreciate your comments. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

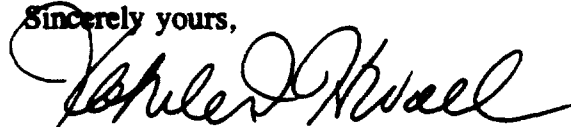
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The Honorable Jerry Lewis
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kathleen M.H. Wallman". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

JERRY LEWIS
40TH DISTRICT, CALIFORNIA

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Congress of the United States
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August 17, 1994

The Honorable James H. Quello
Chairman, Federal Communications Commission
2025 M Street, NW
Washington, DC 20554

Dear Chairman Quello:

I want to alert you to the negative impact the Federal Communications Commission's (FCC) proposed change in long-distance phone service billing requirements will have on the custodial facilities in my Congressional district. As you know, this change is called Billed Party Preference (BPP).

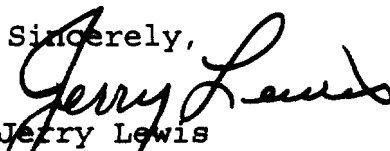
The basic reason for BPP is to ensure users of the public communications open access to their long-distance carrier of choice. While the BPP may be beneficial to the general public, if it is implemented in custodial facilities such as jails, unfortunate fiscal consequences will be borne by state and local governments.

I have been contacted by the local officials responsible for operating the San Bernardino County Jail and the Adelanto Community Correctional Facility. In no uncertain terms, they have stated that the FCC's proposal provides additional financial burdens on their facilities.

In San Bernardino County, the franchise fees amount to nearly \$1 million per year. If BPP goes into effect at the San Bernardino County jail, for example, the County will either be forced to reduce their inmate welfare activities to the prisoners by that amount, or have that amount allocated from the County's general fund. During these distressed economic times in California, there is no possibility that the County could replace these funds from its general fund.

I urge you to work with all affected parties to craft a regulation that takes into account the needs of custodial facilities.

Sincerely,


Jerry Lewis
Member of Congress

JL:js